

Appl. No. 10/578,144  
Amendment dated October 27, 2008  
Reply to Office Action of July 25, 2008

## ***REMARKS***

In the July 25, 2008 Office Action, claims 1-23 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

### ***Status of Claims and Amendments***

In response to the July 25, 2008 Office Action, Applicants have amended claims 1 and 20 and canceled claim 11, as indicated above. Thus, claims 1-10 and 12-23 are pending, with claims 1 and 20 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

### ***Election of Species***

In item 1 of the Office Action, Applicants' election without traverse was acknowledged. Thus, non-elected claims 24-31 were withdrawn from further consideration.

### ***Rejections - 35 U.S.C. § 103***

In items 2-6 of the Office Action, claims 1-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2001-0030908 (Moteki et al.) in view of European Patent No. 1,352,978 (Hwang et al.). In response, Applicants have amended independent claims 1 and 20, and canceled claim 11, as mentioned above.

More specifically, Applicant has amended claim 1 to incorporate limitations of claim 11. Claim 1 now recites that the titanium alloy contains 30 to 60 mass% of the metal element groups per a total of 100 mass% of the titanium alloy.

Moteki et al. were cited in the Office Action to show that a spring made of materials having low Young's modulus and high tensile strength. Hwang et al. were cited in the Office Action to show a high strength titanium alloy, wrist watch components, and titanium alloy containing 30-60% Va group elements.

Appl. No. 10/578,144  
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However, Office Action rejected claim 11 by referring to claim 4 of Hwang et al. which recites that the titanium alloy set forth in claim 2 includes one or more elements selected from the metallic element group consisting of Zirconium, Hafnium, and Scandium in a summed amount of 20% or less when the entirety is taken as 100%. On the other hand, claim 1 of the application recites the titanium alloy containing 30 to 60 mass% of the metal element. Therefore, Applicants respectfully assert that Hwang et al. are different.

Applicants respectfully assert that the arrangement is *not* disclosed or suggested by Moteki et al., Hwang et al., or any other prior art of record. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art provides an *apparent reason* for the desirability of the modification. Accordingly, the prior art of record lacks any apparent reason, suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement of the timepiece.

Further, none of the prior art of record realized the problems that Applicants found and the way to solve the problems, Applicant respectfully assert that any prior art of record or any combination thereof does not make the present invention obvious.

As claim 20 similarly recites, Applicants respectfully assert that claim 20 is allowable for the same or similar reasons stated above.

Moreover, Applicants believe that dependent claims 2-10, 12-19, and 21-23 are also allowable over the prior art of record in that they depend from independent claims 1 and 20, and therefore are allowable for the reasons stated above. Also, the dependent claims 2-10, 12-19, and 21-23 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention

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as set forth in independent claims 1 and 20, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-10 and 12-23 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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Dated: October 27, 2008

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